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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richards *et al.*

Appl. No. 09/875,290

Filed: June 7, 2001

For: **Apparatus, System and Method
for One-of-Many Positions
Modulation in an Impulse Radio
Communications System**

Art Unit: 2681

Examiner: *To Be Assigned*

Atty. Docket: 1659.0860001

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Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☒ 4. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 5. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 6. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 6/13/02

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FORM PTO-1449

ATTY. DOCKET NO.
1659.0860001APPLICATION NO.
09/875,290APPLICANT
Richards et al.FILING DATE
June 7, 2001GROUP
2681SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA1	4,641,317	02/1987	Fullerton	375	1	
	AB1	4,813,057	03/1989	Fullerton	375	37	
	AC1	4,901,307	02/1990	Gilhousen et al.	370	18	
	AD1	4,979,186	12/1990	Fullerton	375	23	
	AE1	5,363,057	11/1994	Furuno	330	129	
	AF1	5,610,907	03/1997	Barrett	370	342	
	AG1	5,677,927	10/1997	Fullerton et al.	375	200	
	AH1	5,687,169	11/1997	Fullerton	370	324	
	AI1	5,832,035	11/1998	Fullerton	375	210	
	AJ1	5,847,677	12/1998	McCorkle	342	204	
	AK1	5,960,031	09/1999	Fullerton et al.	375	200	

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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL1	0 766 393 A2&A3	04/1997	EP	H03K	9/04	N/A
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

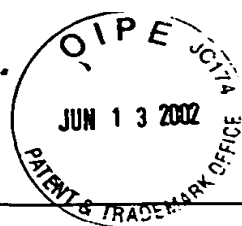
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>1</u>	International Search Report from PCT Application No. PCT/US01/18332, 9 pages, mailed March 25, 2002.
	AS	<u>1</u>	
	AT	<u>1</u>	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA2	5,963,581	10/1999	Fullerton <i>et al.</i>	375	200	
	AB2	5,995,534	11/1999	Fullerton <i>et al.</i>	375	200	
	AC2	6,031,862	02/2000	Fullerton <i>et al.</i>	375	200	
	AD2	6,310,906 B1	10/2001	Abarbanel <i>et al.</i>	375	130	
	AE2						
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>2</u>	
	AS	<u>2</u>	
	AT	<u>2</u>	

EXAMINER

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